

REMARKS

The first Office Action indicates that it is responsive to the Restriction Requirement of December 10, 2003. Enclosed is a photocopy of a Preliminary Amendment which was filed on January 8, 2004 by facsimile. A receipt of the Preliminary Amendment is submitted along with a photocopy thereof.

The Response to the Office Action of January 20, 2004 is stated with respect to claims 3-7 of the January 8, 2004 Preliminary Amendment.

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In substance, the Examiner is rejecting the claims as being incomplete with the Examiner raising a number of questions of how particular method steps are accomplished. The rejection of claims 1-5 is traversed with respect to claims 3-7 with claim 6 corresponding to claim 1 and claim 7 corresponding to claim 2.

Newly submitted independent claims 6 and 7 define a method for continuous detection of hydrate formation and a method for continuous control of hydrate formation which the Applicants note with appreciation have been found by the Examiner to be free from the prior art.

The Examiner contends that the methods of claims 1 and 2 fail to recite a specific method step regarding the detection or measuring of these conditions or physical parameters which permit the determination of calculation of these hydrate formation conditions. The Examiner is reminded that the second paragraph of 35 U.S.C. §112 permits the Applicant to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Examiner is

confusing claim breadth with claim definiteness. It is submitted that it would be unduly limiting to require the claims to recite the additional limitations which the Examiner has suggested to be necessary to complete the claims given the claims being patentable over the prior art.

The Examiner queries "[i]s the hydrate disassociation temperature determined by a measurement detection or calculation?"; "[w]hat physical parameters are required to be measured so that the hydrate disassociation temperature may be determined using this method?"; "[h]ow are these physical parameters measured?"; "[f]urthermore, how is the particular lumping of the petroleum fluids carried out in order to isolate the hydrate forming components?"; "[h]ow is the data relative to each of the particular fractions applied to each of the modules in order to determine at any point in the pipe the hydrate dissociation temperature?"; "[h]ow does the control device compare the temperature of the petroleum fluid with determined hydrate dissociation temperature?"; "[h]ow does the control device know when to apply the measures intended to fight hydrate formation?"; "[w]hat are the measures intended to fight hydrate formation?" ; and with respect to claim 2, the Examiner questions, "[i]s the temperature controlled and manipulated to control hydrate formation or is an additive added?" It is submitted that all of the above proposed limitations would be unduly limiting.

In summary, each of the Examiner's inquiries are submitted to be subject matter which Applicants do not consider to be subject matter which they desire to claim. Applicants have particularly pointed out and distinctly claimed the subject matter which they regard as their invention. It is submitted that, in view of the claims

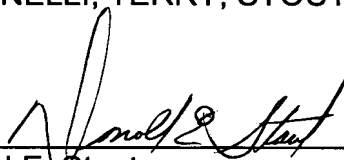
being free from the prior art, Applicants are permitted to claim their invention as broadly as the claims are drawn.

Early allowance of the claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (612.41243X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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